

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)
)
) 1:16-cr-157-LM
)
v.)
)
LELAND EISENBERG)

UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO MODIFY HIS SENTENCE

Defendant Leland Eisenberg is requesting that the court modify his sentence by adding a recommendation that he be placed in a residential reentry center for the last 12 months of his sentence. The Court has the authority to make such a recommendation. United States v. Qadri, 2017 WL 1011663 (D. Haw. Mar. 15, 2017). The government has no position on whether the court wishes to make a recommendation for 12 months of residential reentry center placement based on the information that the defendant has provided. In any event, the court's recommendation will have no binding effect on where the BOP houses the defendant. 18 U.S.C. § 3621(b). Of course, if the BOP ultimately denies the defendant the reentry placement he seeks, he may be able to challenge the decision via a § 2241 petition or an action under the Administrative Procedures Act. Grover v. Kallis, 2019 WL 113866, at *2 (C.D. Ill, Jan. 4, 2019).

Dated: August 5, 2019

Respectfully submitted,
SCOTT W. MURRAY
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this response has been forwarded this date via first class mail to Leeland Eisenberg, #15477-049, Terre Haute USP, PO Box 33, Terre Haute, IN 47808.

/s/ Seth R. Aframe

Seth R. Aframe, AUSA